

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

DEFENSE DISTRIBUTED,

Plaintiff,

v.

YOUTUBE LLC, GOOGLE LLC, and
ALPHABET, INC.

Defendants.

Case No. 1:25-cv-1095-ADA

DEFENDANTS' NOTICE OF NOTICE OF APPEAL

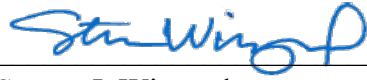
On December 1, 2025, Defendants YouTube LLC, Google LLC, and Alphabet Inc. (collectively, “Defendants”) appealed, to the United States Court of Appeals for the Fifth Circuit, the Order Denying Defendants’ Motion to Transfer (Dkt. 48) entered in the above-styled and numbered case.

Defendants provide this Notice in light of the Plaintiff’s pending motion to remand (Dkt. 25). Any remand while Defendants’ appeal is pending is precluded by the rule set forth in *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982) (“The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal.”). During the pendency of the appeal, the “district court lack[s] jurisdiction” to move this case to a different forum, including remand to the Texas Business Court, “because doing so would alter its status” and “render [the Fifth Circuit] unable to grant [the] relief” that Defendants seek. *In re Fort Worth Chamber of Com.*, 100 F.4th 528, 536–37 (5th Cir. 2024).

Dated: December 3, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon counsel via the CM/ECF electronic noticing system, email, certified mail, return receipt requested, or US mail, on this the 3rd day of December, 2025.

A handwritten signature in black ink, appearing to read "Robyn Hargrove", is written over a horizontal line.

Robyn Hargrove